

## **REMARKS**

### **Summary of Office Action**

Claims 1, 2 and 5-20 were pending in this case. Claim 15 was objected to as lacking antecedent basis for "the detector." Claim 6 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 2 and 5-12 were rejected under 35 U.S.C. § 103(a) as being obvious from Youman et al. U.S. Patent No. 5,629,733 ("Youman") in view of Glaab U.S. Patent No. 6,381,332 ("Glaab") and in further view of Chaney U.S. Patent No. 5,841,433 ("Chaney"). Claims 13-20 were rejected under 35 U.S.C. § 103(a) as being obvious from Youman in view of Chaney.

### **Summary of Applicants' Reply**

Applicants have amended claims 13-20 and added new claims 21-22 in order to more particularly define features of the claimed invention. Applicants have canceled claim 6 without prejudice. No new matter has been added and these amendments and new claims are fully supported by the originally-filed application. The Examiner's objection and rejections are respectfully traversed.

### **Reply to the Claim Objection**

Claim 15 has been objected to as lacking antecedent basis for "the detector." Applicants have amended Claim 15 to remove recitation of "the detector" thereby obviating the objection thereto.

### **Reply to the 35 U.S.C. § 112 Rejection**

Claim 6 was rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Applicants have cancelled claim 6 without prejudice and thus the rejection to claim 6 is moot.

Reply to the Prior Art Rejections

Claims 1, 2 and 5-12 have been rejected under 35 U.S.C. § 103(a) as being obvious from Youman in view of Glaab and in further view of Chaney. Claims 13-20 were rejected under 35 U.S.C. § 103(a) as being obvious from Youman in view of Chaney. Applicants respectfully traverse these rejections.

Applicants' invention, as defined by independent claims 1 and 13, is directed to a television schedule system, and method for operating a television system, configured with an electronic program guide (EPG) database. The system includes, *inter alia*, a processor configured to modify displayed program listings to include a second program listing associated with a second television channel in response to determining that the second television channel is received without scrambling.

Youman generally describes an electronic program schedule system. In some embodiments, a message is displayed by the local cable operator indicating that a premium channel will have a free preview (Youman, Fig. 28, 28A; col. 19, lines 43-64).

Glaab generally describes a cable television setback decoder for monitoring the IF output from a receiver and providing a descrambled audio/video signal back to the receiver for output to a subscriber (Glaab, abstract). In particular, Glaab's system continually monitors an unscrambled A/V signal until it becomes scrambled (Glaab, col. 3, lines 63-67; Fig. 4).

Chaney generally describes a television system for receiving digitally-encoded television programs and creating television program schedule data (Chaney, abstract). In Chaney's system, the information necessary to create a Master Program Guide (e.g., the Master Program guide shown in Fig. 3) is downloaded continually from a satellite (Chaney, col. 3, lines 27- 43; col. 5, lines 53-61).

The Examiner acknowledged that Youman and Glaab fail to teach a processor that modifies a displayed program listing associated with a regularly scrambled channel in response to determining that the channel is received without scrambling and cites Chaney as allegedly making up for this deficiency (Office Action, pg. 4).

Applicants respectfully submit that Youman, Glaab, and Chaney, wither taken alone or in combination, fail to show or suggest monitoring a scrambled channel to determine that the channel is received without scrambling and modifying a displayed program listing in response to the determination. Instead, in Chaney's system, the program listing is updated in response to Master Program Guide information sent from the satellite service provider (Chaney, col. 3, lines 27-30). For example, with respect to Fig. 3 of Chaney, the satellite service provider has decided to offer a free preview for HBO and has thus sent information to update the Master Program Guide with a "Free Preview" listing for HBO 102. Thus, it is the satellite service provider that is making the determination of when a regularly scrambled channel is to be unscrambled. The program listings sent by the satellite service provider to be downloaded to a user's transponder let the transponder know that the satellite service provider has decided to unscramble a channel that is scrambled. Therefore, the modification of a program listing is made, if at all, based on program guide data sent from the satellite service provider, not in response to monitoring a scrambled channel and determining that the channel is received without scrambling, as required by applicants' claims 1 and 13.

Additionally, because the "Free Preview" listing for HBO 102 in Fig. 3 of Chaney shows that HBO will have a free preview in the future, the channel is thus still scrambled. Thus, the displayed program listings are allegedly modified, if at all, while the channel is still scrambled and not in response to determining the channel has become unscrambled, as required by applicants' claims 1 and 13. Thus, none of Youman, Glaab or Chaney, whether taken alone or in combination, show or suggest all the limitation of applicant's independent claims 1 and 13. Accordingly, for at least these reasons applicants' claims 1 and 13 and claims 2, 5, 7-12 and 14-22 which depend, directly or indirectly, from claims 1 and 13 are patentable over the cited references of record.

Moreover, the examiner acknowledged that Youman does not teach a detector as recited in claim 1 and cites Glaab as allegedly making up for this deficiency (Office Action, pg. 4). Applicants respectfully submit that Youman or Glaab, wither taken alone or in combination, do not show or suggest a detector, as recited in applicants' claim 1.

The detector cited in independent claim 1 monitors a television channel while it is scrambled in order to provide an indication to the processor that the channel is received without scrambling. In contrast, the detector of Glaab monitors a signal while it is unscrambled and provides, if at all, an indication that the channel is received with scrambling (Glaab, col. 3, line 63 - col. 4, line 8 ; Fig. 4). For example, in Fig. 4 of Glaab an unscrambled signal is monitored in step 100. In step 102 a check is made to see if the unscrambled signal has become scrambled. If the signal remains unscrambled, no action is taken (i.e., no indication is generated by the detector) and the system continues monitoring the unscrambled signal (Glaab, col. 3, lines 65-67). Thus, neither Youman or Glaab, wither taken alone or in combination, show or suggest a detector as recited in applicants' claim 1. Chaney does not make up for the deficiencies of Youman or Glaab in this regard. Accordingly, for at least these additional reasons, applicants' claim 1 and claims 2, 5, and 7-12 which depend, directly or indirectly, from claim 1 are patentable over the cited references of record.

#### New Claims

Applicants have added new claims 21-22 in order to more particularly define features of the claimed invention. New claim 21 recites, *inter alia*, that the detector monitors the second television channel while it is scrambled. New claim 22 recites, *inter alia*, that the detector generates an indication that the second television signal is received without scrambling. As discussed above, neither Youman, Glaab or Chaney, wither taken alone or in combination, show or suggest this subject matter. Accordingly new claims 21-22 are patentable over the cited references of record.

Conclusion

For at least the reasons stated above, applicant respectfully submits that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Applicants believe no fee is due with this response other than as reflected on the enclosed Transmittal form. However, if a fee is due, please charge our Deposit Account No. 06-1075, from which the undersigned is authorized to draw.

Dated: January 25, 2010

Respectfully submitted,

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